IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

CONTEMPT PETITION NO.479 OF 2002

Shri.Ahmad Haji Abdul Karim
and Ors. ..Petitioners

Vs.

Shri.Haji Ajmuddin Shaikh
Chand and Anr. ..Respondents

....

Mr.P.P.Chavan i/b Madekar and Co. for Petitioners
Mr.M.D.Angal for Respondent nos.1 and 2.

....

CORAM : B.H.MARLAPALLE,J.

DATE : FEBRUARY 24,2005

P.C.:

1. Heard Mr.Chavan, the learned counsel for the petitioners.

2. It is contended that inspite of the decree having been passed by the learned Civil Judge J.D. Manmad on 4.8.1997 in R.C.S.No. 271 of 1984 permanently restraining the present respondents from representing themselves as office bearers and members of the plaintiff-society, the said respondents are moving applications after applications before various authorities including the Charity Commissioner, under the Bombay Public Trusts Act and thus, acting wilfully against the order passed by the Court below.

If the respondents have been submitting applications as alleged, the respective authorities are empowered to consider them as per law and mere filing of applications would not amount to interfering in the management of the H.A.K.High School at Manmad or entering into school premises. Therefore, prima facie, there is no case to take cognizance of the alleged civil contempt and hence, the petition is rejected summarily.

[B.H.MARLAPALLE,J.]